

U.S. DEPARTMENT OF COMMERCE, PATENT & TRADEMARK OFFICE

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CUSTOMER NUMBER: 38327

Form PTO 1390
REV (01-2003)

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. §371**

Attorney's Docket Number

HIRA.0236

10/591947
US Application Number (if known)

International Application Number
PCT/JP2005/004720

International Filing Date
10 March 2005

Priority Date Claimed
12 March 2004 and 28 October 2004

Title of Invention

MAGNETIC TUNNEL JUNCTION DEVICE AND METHOD OF MANUFACTURING THE SAME

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. §371.
 2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. §371.
 3. ☒ This is an express request to begin national examination procedures (35 U.S.C. §371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
 4. ☒ The US has been elected (Article 31).
 5. ☒ A copy of the International Application as filed (35 U.S.C. §371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
 6. ☒ A English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
 7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. §371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☒ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
 8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. §371(c)(3)).
 9. ☒ An executed oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
 10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. §371(c)(5)).
- Items 11 to 20 below concern other document(s) or information included:**
11. ☒ An Information Disclosure Statement under 37 C.F.R. §§1.97 and 1.98.
 12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. §§3.28 and 3.31 is included.
 13. ☒ A preliminary amendment.
 14. ☐ An Application Data Sheet under 37 C.F.R. §1.76.
 15. ☐ A substitute specification.
 16. ☐ A power of attorney and/or address letter.
 17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825
 18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
 19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
 20. ☒ Other items or information: Request for Priority

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IP9 Rec'd PCT/PTO 08 SEP 2006

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/591947		INTERNATIONAL APPLICATION NO. PCT/JP2005/004720		ATTORNEY'S DOCKET NUMBER HIRA.0236	
				Applicant use	Office use only
21. <input type="checkbox"/> The following fees are submitted:					
<input type="checkbox"/> a) Basic national fee		\$300.00		\$300.00	
<input type="checkbox"/> b) Examination fee		\$200.00		\$200.00	
<input type="checkbox"/> c) Search fee		\$400.00		\$400.00	
TOTAL OF ABOVE CALCULATIONS =		\$900.00		\$900.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
48 - 100 =	/50 =	0	x \$250.00	\$0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 C.F.R. §1.492(e)).				\$0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	39	19	x \$50.00	\$950.00	
Independent Claims	12	9	x \$200.00	\$1,800.00	
Multiple Dependant Claims (if applicable)			+ 360.00	\$0.00	
TOTAL OF ABOVE CALCULATIONS =				\$3,650.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2				\$0.00	
SUBTOTAL =				\$3,650.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 C.F.R. §1.492(f)).				\$0.00	
TOTAL NATIONAL FEE =				\$3,650.00	
Fee for recording the enclosed assignment (37 C.F.R. § 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. §§ 3.28, 3.31). \$40.00 per property				\$40.00	
TOTAL FEES ENCLOSED =				\$3,690.00	
Amount to be Refunded:					\$
Amount to be charged					\$
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$3,690.00 to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account Number 08-1480 in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account Number 08-1480. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
<p>Note: Where an appropriate time limit under 37 C.F.R. §1.495 has not been met, a petition to revive (37 C.F.R. §1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p>					
Respectfully submitted,					
<p>Stanley P. Fisher Registration Number 24,344</p>					
<p>REED SMITH LLP 3110 Fairview Park Drive Suite 1400 Falls Church, Virginia 22042 (703) 641-4200 September 8, 2006</p>					
<p>Juan Carlos A. Marquez Registration Number 34,072</p>					